



Attorney Docket No.: **554C2**  
PATENT

*Handwritten:* 355460  
#1610  
MB  
02/13/95

**CERTIFICATION UNDER 37 CFR 1.10**

GB 590 945 047: Express Mail Number

December 13, 1994: Date of Deposit

I hereby certify that this File Wrapper Continuing Application (FWC) Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Elisa R. Hamby*  
Elisa R. Hamby

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PRIOR APPLICATION Serial No. 08/048,346  
PRIOR APPLICATION Examiner: R. Baker  
Art Unit: 1814

Box FWC  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL**

This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- ☒ continuation  
☐ divisional  
☐ continuation-in-part (*for oath or declaration see III below*)  
☐ attached is an amendment for added subject matter  
☐ continuing application to permit consideration of an Information Disclosure Statement under 37 CFR 1.97

**PARTICULARS OF PRIOR APPLICATION**

- A. Application Serial No. 08/048,346 filed 15 April 1993, which application is a continuation of Application Serial No. 07/354,319 filed 19 May 1989.
- B. Title (as originally filed: HER2 EXTRACELLULAR DOMAIN  
and as last amended):
- C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s):

1. Full Name of Inventor	Family Name <u>HUDZIAK</u>	First Given Name <u>ROBERT</u>	Second Given Name <u>M.</u>
Residence & Citizenship	City <u>Blodgett</u> <u>OR</u>	State or Foreign Country Oregon	Country of Citizenship United States
Post Office Address	Post Office Address 20244 Highway 20	City Blodgett	State & Zip Code/Country Oregon, 97326 USA
2. Full Name of Inventor	Family Name <u>200</u> <u>SHEPARD</u>	First Given Name <u>H.</u>	Second Given Name <u>MICHAEL</u>
Residence & Citizenship	City <u>La Costa</u> <u>CA</u>	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 3030 Science Park Road Suite 302	City San Diego	State & Zip Code/Country California, 92121 USA
3. Full Name of Inventor	Family Name <u>300</u> <u>ULLRICH</u>	First Given Name <u>AXEL</u>	Second Given Name --
Residence & Citizenship	City <u>Portola Valley</u> <u>CA</u>	State or Foreign Country California	Country of Citizenship Germany
Post Office Address	Post Office Address 70 Palmer Lane	City Portola Valley	State & Zip Code/Country California, 94028 USA
4. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

Continued on added page for Inventor's Data

The above-identified application, in which no payment of issue fee, abandonment of (other than where the above-identified application was abandoned under 37 CFR 1.131(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

## II. Inventorship Statement

[complete applicable item (a), (b), and/or (c) below]

- (a) X This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are:  
X the same  
 \_\_\_\_\_ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:
- (b) \_\_\_\_\_ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are:  
 \_\_\_\_\_ the same  
 \_\_\_\_\_ add the following additional inventor(s):

- (c)   X   The inventorship for all the claims in this application is  
         X   the same  
       \_\_\_\_\_ not the same, and an explanation, including the ownership of the various claims at  
             the time the last claimed invention was made, is submitted.

### III. Declaration or Oath

A. Continuation or Divisional

  X   none required

B. Continuation-in-part

\_\_\_\_\_ attached

executed by *[check all applicable items]*

\_\_\_\_\_ inventor(s).

\_\_\_\_\_ legal representative of inventor(s). 37 CFR 1.42 or 1.43.

\_\_\_\_\_ joint inventor or person showing a proprietary interest for inventor who refused to  
             sign or cannot be reached. 37 CFR 1.47;

\_\_\_\_\_ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR  
             1.47 is also attached. *[See item VIII below for fee.]*

\_\_\_\_\_ not attached

### IV. Identification of Claims for Further Prosecution

- X   The fees to be charged are to be based on the number of claims remaining as a result of the  
         X   attached preliminary amendment.  
       \_\_\_\_\_ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now  
             repeated.  
       \_\_\_\_\_ the claims on file in the prior application.

### V. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$730.00
Total Claims	5	-20 =	0	x \$22.00	\$0
Independent Claims	1	- 3 =	0	x \$76.00	\$0
___ Multiple dependent claim(s), if any				+ \$240.00	\$0
Filing Fee Calculation					\$730.00

\_\_\_\_\_ There is provided herewith a Petition to Suspend Prosecution For The Time Necessary to File  
             An Amendment (New Application Filed Concurrently).

### VI. Fee Payment Being Made at This Time

#### ATTACHED

<u>  X  </u> filing fee	\$ 730.00
_____ recording assignment (\$40.00; 37 CFR 1.21(h)) <i>[see item XII below]</i>	\$ _____
_____ petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(h))	\$ _____

\_\_\_\_\_ processing and retention fee (\$130.00; 37 CFR 1,53(d)  
and 1.21(l))

\$ \_\_\_\_\_

**TOTAL FEE ENCLOSED:**

\$ 730.00

#### VII. Method of Payment of Fees

☒ charge Account No. 07-0630 in the amount

\$ 730.00

☒ A duplicate of this request is attached.

#### VIII. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and §1.17 to Deposit Account No. 07-0630.

#### IX. Instructions as to Overpayment

☒ credit Account No. 07-0630

\_\_\_\_\_ refund

#### X. Priority -- 35 U.S.C. 119

\_\_\_\_\_ Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

\_\_\_\_\_ The certified copy has been filed on in prior U.S. application Serial No. , which prior application was filed on .

\_\_\_\_\_ certified copy will follow.

#### XI. Relate Back -- 35 U.S.C. 120

☒ Amend the specification by inserting before the first line the sentence: (see attached Preliminary Amendment)

--This is a

\_\_\_\_\_ continuation

\_\_\_\_\_ divisional

\_\_\_\_\_ continuation-in-part

\_\_\_\_\_ of co-pending application(s)

\_\_\_\_\_ Serial No. filed on .--

\_\_\_\_\_ International Application filed on which designated the U.S.--

#### XII. Assignment

☒ the prior application is assigned of record to GENENTECH, INC.

\_\_\_\_\_ an assignment of the invention to is attached. (Attach with Recordation Form).

#### XIII. Power of Attorney

The power of attorney in the prior application is to:

Walter E. Buting - Reg. No. 23,092

Renee A. Fitts - Reg. No. 35,136

Stephen Raines - Reg. No. 25,912

Daryl B. Winter - Reg. No. 32,637

Wendy M. Lee - Reg. No. \*

Ginger R. Dreger - Reg. No. 33,055

Janet E. Hasak - Reg. No. 28,616

Sean A. Johnston - Reg. No. 35,910

Dennis G. Kleid - Reg. No. 32,037

D'

sub 7  
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\*A copy of a document pursuant to 37 C.F.R. § 10.9(b) is attached as proof of the authorization of the above to prosecute the above-mentioned application. The original of this document is on file in the Office of Enrollment and Discipline.

- a. ☒ The power appears in the original papers in the prior application. A power was also filed on October 13, 1994.
- b. ☐ The power does not appear in the original papers, but was filed on .
- c. ☐ A new power has been executed and is attached.
- d. ☒ Address all future communications to:

GENENTECH, INC.  
Attn: Wendy M. Lee  
460 Point San Bruno Boulevard  
South San Francisco, CA 94080-4990  
(415) 225-1994

*[Item d may only be completed by applicant or agent of record].*

#### XIV. Maintenance of Copendency of Prior Application

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

☐ A petition, fee and response has been filed to extend the term in the pending prior application until

☐ A copy of the petition for extension of time in the *prior* application is attached.

#### XV. Conditional Petitions for Extension of Time in Prior Application

☐ A conditional petition for extension of time is being filed in the pending prior application

☐ A copy of the conditional petition for extension of time in the *prior* application is attached.

#### XVI. Abandonment of Prior Application

☒ Please abandon the prior application at a time when the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XI above.

#### XV. Information Disclosure Statement

☐ Submitted herewith is an Information Disclosure Statement.

A copy of a document pursuant to 37 C.F.R. § 10.9(b) is attached as proof of the authorization of the undersigned to prosecute the above-mentioned application. The original of this document is on file in the Office of Enrollment and Discipline.

Dated: December 13, 1994

GENENTECH, INC.  
 460 Point San Bruno Blvd.  
 South San Francisco, CA 94080-4990  
 (415) 225-1994

  
 Wendy M. Lee

☐ Inventor  
☐ Assignee of complete interest  
☒ Attorney or agent of record  
☐ Filed under rule 34(a)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE



LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Wendy M. Lee is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Genentech, Inc. to prepare and prosecute patent applications and to represent patent applicants wherein Genentech, Inc. is the assignee of record of the entire interest. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Wendy M. Lee ceases to lawfully reside in the United States, (ii) Wendy M. Lee's employment with Genentech, Inc. ceases or is terminated, or (iii) if Wendy M. Lee ceases to remain or reside in the United States on a H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**EXPIRES: DECEMBER 9, 1995**

Cameron Weiffenbach, Director  
Office of Enrollment and Discipline